IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.40857 of 2008

SITA DEVI, W/O ASHOK SHARMA, R/O VILLAGE-BHORI, P.S. TIKARI, DISTRICT-GAYA.
-PETITIONER

Versus

THE STATE OF BIHAR. -OPP.PARTY

2 02.12.2008 Cruelty meted out to the woman mentioned in Section 498A of the Indian Penal Code must have status of wife. The complainant is a Hindu. She accepts petitioner is the wife of Sri Ashok Sharma. Complainant claims that after marrying the petitioner Ashok Sharma married her. That being the situation, as it appears the complainant does not have status of wife of Ashok Sharma and, accordingly, it is doubtful whether Section 498A is at all applicable to the cruelty said to have been meted out to the complainant. In the circumstances, the application for grant of anticipatory bail by the petitioner is allowed.

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Let the petitioner, in the event of her arrest or surrender within six weeks from today, be enlarged on bail on her furnishing bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gaya, in Tikari P.S. Case no. 175 of 2006, subject to the conditions laid down in Section

438(2) of the Code of Criminal Procedure.

(Barin Ghosh, J.)

AAhmad

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